

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Section 73.622(j),	)	MB Docket No. 22-78
Table of Allotments, Television Broadcast	)	RM-11918
Stations (Wichita, Kansas)	)	
	)	

**REPORT AND ORDER**

**(Proceeding Terminated)**

**Adopted: May 11, 2022**

**Released: May 11, 2022**

By the Chief, Video Division, Media Bureau:

1. The Video Division, Media Bureau (Bureau), has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a Petition for Rulemaking filed by Gray Television Licensee, LLC (Petitioner), the licensee of television station KSCW-DT (Station), channel 12, Wichita, Kansas. The Petitioner has requested the substitution of UHF channel 28 for VHF channel 12 in the Table of Allotments. The Petitioner filed comments in support of the petition, as required by the Commission's rules,<sup>2</sup> reaffirming its commitment to apply for channel 28. No other comments were received.

2. We believe the public interest would be served by substituting channel 28 for channel 12 at Wichita, Kansas. According to the Petitioner, the channel change will resolve significant over-the-air reception problems in the Station's existing service area. The Petitioner further states that the Commission has recognized the deleterious effects manmade noise has on the reception of digital VHF signals, and that the propagation characteristics of these channels allow undesired signals and noise to be receivable at relatively farther distances compared to UHF channels and nearby electrical devices can cause interference.<sup>3</sup> Although the proposed channel 28 noise limited contour will fall slightly short of the licensed channel 12 noise limited contour, a terrain-limited analysis using the Commission's *TVStudy* software demonstrates that there is no predicted loss in population served.<sup>4</sup>

3. As proposed, channel 28 can be substituted for channel 12 at Wichita, Kansas, in compliance with the principal community coverage requirements of section 73.625(a) of the Commission's rules,<sup>5</sup> at coordinates 38° 03' 37.6" N and 97° 45' 49.7" W. In addition, we find that this channel change meets the technical requirements set forth in sections 73.616 and 73.623 of the rules with the following specifications:<sup>6</sup>

<sup>1</sup> *Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Stations (Wichita, Kansas)*, MB Docket No. 22-78, Notice of Proposed Rulemaking, DA 22-189 (rel. Feb. 23, 2022) (*NPRM*).

<sup>2</sup> 47 CFR §§ 1.415, 1.419; *see also Buffalo, Iola, Normangee, and Madisonville, Texas*, MB Docket No. 07-729, Report and Order, 24 FCC Rcd 8192, 8194, para. 9 (Aud. Div. 2009).

<sup>3</sup> *NPRM* at para. 2.

<sup>4</sup> *Id.*

<sup>5</sup> 47 CFR § 73.625(a).

<sup>6</sup> 47 CFR §§ 73.616, 73.623.

<u>City and State</u>	<u>Channel</u>	<u>Power (kW)</u>	<u>Antenna</u>	<u>HAAT (m)</u>	<u>Service Pop.</u>
Wichita, Kansas	28	1000	450.6		885,637

4. We also conclude that good cause exists to make this channel change effective immediately upon publication in the Federal Register, pursuant to section 553(d)(3) of the Administrative Procedure Act.<sup>7</sup> An expedited effective date is necessary in this case to ensure that KSCW can operate with improved service to its viewers as quickly as possible.

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g), (r) and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b), and sections 0.61, 0.204(b) and 0.283 of the Commission's rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, **IT IS ORDERED**, That effective immediately upon the date of publication in the Federal Register, the Table of Allotments, section 73.622(j) of the Commission's rules, 47 CFR § 73.622(j), **IS AMENDED**, with respect to the community listed below, to read as follows:

<u>City and State</u>	<u>Channel No.</u>
Wichita, Kansas	10, 15, 26, 28

6. **IT IS FURTHER ORDERED**, That within 10 days of the effective date of this Order, Gray Television Licensee, LLC shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel 28 in lieu of channel 12.

7. **IT IS FURTHER ORDERED**, That pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A), the Commission **SHALL SEND** a copy of the Order to Congress and to the Government Accountability Office.

8. **IT IS FURTHER ORDERED**, That should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 22-78 and RM-11918 **SHALL BE TERMINATED** and its docket closed.

9. For further information concerning the proceeding listed above, contact Joyce L. Bernstein, Video Division, Media Bureau, (202) 418-1647, [Joyce.Bernstein@fcc.gov](mailto:Joyce.Bernstein@fcc.gov).

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau

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<sup>7</sup> 5 U.S.C. § 553(d)(3).